## South Carolina Department of Labor, Licensing and Regulation Division of Labor Office of Occupational Safety and Health Columbia, South Carolina 29211

OSH Program Directive Number: 80-1910.141-3 (Revised)

**Subject:** Accessibility of Toilet Facilities As Related to Article VI, Section

1910.141(c).

**Standard:** Article VI, Section 1910.141(c), Rules and Regulations,

Commissioner of Labor, State of South Carolina.

**Cross Reference to** 

Federal Standards: 29 CFR 1910.141(c).

**Background:** Numerous inquiries have been received by this office concerning

clarification of the above standard concerning accessibility of toilet facilities (1) in a free standing building which has no toilet facilities and located on the premises of the employer and near other buildings of employer having toilet facilities; and (2) in free standing building which has no toilet facility and is isolated from

employer controlled building having toilet facilities.

29 CFR 1910.141(c) has been amended by the Secretary of Labor, U.S. Department of Labor, which among other things deletes (a) any reference to toilet facilities being "reasonably accessible"; and

(b) any reference to the "as far as practicable" 200 foot

requirement. However, such amendment clearly sets forth that "toilet facilities shall be provided in all places of employment ..." This directive replaces OSH Program Directive number 73-

1910.141-3 (formerly OSH P.D. #73-15-3).

**Interpretation**: Until such time as the above Rule and Regulation of the Commissioner of Labor is amended, the following will apply:

(a) In a free standing building which has no toilet facilities; and is located on the premises of the employer near another building of the employer having toilet facilities; or in a building complex where the employer has control over, or written access to, the available toilet facilities:

The employer will not be in violation of the standard requiring toilet facilities if:

- (1) The employees because of the normal course of their work takes them out of the building having toilet facilities which are available for their use and which are readily accessible, or
- (2) The employees are not restricted to the building having no toilet facilities, but are free to travel to the other building, or portion of the same building, for the purpose of using the available toilet facilities.
- (b) The requirements requiring toilet facilities at the worksite do not apply to mobile crews or to normally attended work locations so long as employees working at these locations have transportation immediately available to nearby toilet facilities which meet the requirements of this Section 1910.141(c).

## **Effective Date:**

This instruction is effective upon receipt and will remain in effect until cancelled or superseded by amendment to the Rules and Regulations.

William M. Lybrand August 1, 1980